

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL ACTION NO. 09-6072
	:	
v.	:	
	:	
TYRONE CLARK	:	CRIMINAL ACTION NO. 07-207-1

ORDER

AND NOW, this 7th day of June, 2010, upon consideration of Defendant Tyrone Clark's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Docket No. 249), the Government's Motion to Dismiss Defendant's Motion under 28 U.S.C. § 2255 (Docket No. 256), and all attendant and responsive briefing, and for the reasons stated in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** as follows:

1. The Government's Motion to Dismiss is **GRANTED**.
2. Defendant's Motion to Vacate, Set Aside or Correct Sentence is **DISMISSED**.
3. Defendant's Motion to Appoint Counsel (Docket No. 247) is **DENIED**.
4. Because Clark has failed to make a substantial showing of the denial of a constitutional right, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/ John R. Padova, J.

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